

**UNITED STATES OF AMERICA**  
  
**Before The**  
**FEDERAL COMMUNICATIONS COMMISSION**  
  
**WASHINGTON, D.C. 20554**

**Localism Task Force**

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**FCC Docket No. RM-10803**

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**SUPPLEMENTAL WRITTEN COMMENTS  
OF THE AMHERST ALLIANCE**

THE AMHERST ALLIANCE is a Net-based, nationwide citizens' advocacy group for media reform in general and Low Power Radio in particular.

These Supplemental Written Comments are directly related to:

- (a) Amherst's Written Comments, in this Docket, of October 27, 2003
- (b) Amherst's Additional Written Comments, in this Docket, of November 14, 2003

*And*

- (c) A Petition For Expedited Relief, Through Rulemaking, filed by THE AMHERST ALLIANCE and 51 other parties, that was express mailed to the FCC's Office of the Secretary -- via the FCC's Capitol Heights facility -- and also filed in this Docket, as well as FCC Docket 99-325, on November 14, 2003

For the possible convenience of the Commission, and of other interested parties, we have compressed the policy recommendations from *all 3 of these documents* into a single compact list. Therefore, while we incorporate the full text of the 3 documents by reference, we also submit through these Supplemental Written Comments the text of "22 Recommendations To Promote Localism In Broadcasting".

***THE AMHERST ALLIANCE***  
***Supplemental Written Comments***  
***November 14, 2003***  
***Page TWO***

Respectfully submitted,

Don Schellhardt, Esquire  
President, THE AMHERST ALLIANCE  
P.O. Box 186  
Cheshire, Connecticut 06410  
[pioneerpath@hotmail.com](mailto:pioneerpath@hotmail.com)  
URL: [www.amherstalliance.org](http://www.amherstalliance.org)  
203/757-1790  
“Backup”: 203/756-7310

Dated: \_\_\_\_\_  
November 14, 2003

**22 Recommendations  
For Promoting Localism In Broadcasting**

**Submitted To  
The FCC's LOCALISM TASK FORCE  
(In FCC Docket RM-10803)**

**By  
THE AMHERST ALLIANCE**

**E-Mail: [pioneerpath@hotmail.com](mailto:pioneerpath@hotmail.com)**

**URL: [www.amherstalliance.org](http://www.amherstalliance.org)**

**P.O. Box 186  
Cheshire, Connecticut 06410**

***NOVEMBER 14, 2003***

Amherst's recommendations to the Localism Task Force span 3 categories.

*First:* 5 public policy proposals to provide *expedited relief* for LPFM stations ... *local* FM translator stations ... and other radio stations which are vulnerable to: (A) the proliferation of "satellators", and other long distance translators; and/or (B) interference from In Band On Channel (IBOC) Digital Radio broadcasts.

Because the requested relief cannot wait until the completion of Task Force proceedings in the summer of 2004, and the issuance of final rules at some indefinite date after that, Amherst urges FCC action on these 5 proposals in the *immediate* future.

To this end, THE AMHERST ALLIANCE and dozens of other parties have filed a Petition For Rulemaking, seeking expedited action for expedited relief. The Petition was filed on November 14, 2003, with copies placed in FCC Dockets RM-10803 (the Localism Task Force) and 99-325 (IBOC Digital Radio).

*Second:* 13 other proposals for regulatory action which are also important -- but not as *urgent*. This second group of proposals can be pursued by the Localism Task Force, and/or by other arms of the FCC, at a somewhat more deliberate pace.

*Third:* 4 proposals on which, as a legal matter or a practical matter, only Congress can take action. Amherst urges the FCC to urge swift action on these proposals by our national legislators.

**5 Public Policy Proposals To Provide Expedited Relief  
For Low Power FM Stations, Local FM Translator Stations  
And Certain Other Radio Stations**

The 5 proposals for expedited relief are as follows:

- (1) A “freeze” on the issuance of licenses for new satellite-fed translator stations (aka “satellators”) and other long distance translators
- (2) Establishment of a new, Tertiary Service Status for all of the above-referenced satellators and long distance translators
- (3) Assignment of Primary Service Status to all Low Power FM Radio stations, including LP-10 stations
- (4) Initiation of an immediate FCC investigation into abuses and improprieties in current translator stations, including redundant applications (several frequencies sought for a single station in a single market) and misrepresentation of local sponsorship

*And*

- (5) Pending the Commission’s comprehensive reconsideration of the IBOC version of Digital Radio, establishment of emergency relief procedures for adversely affected stations, through which such stations may petition for proportionate increases in wattage and/or tower height, in order to compensate for the erosion of their service areas by IBOC interference

THE AMHERST ALLIANCE defines a (non-satellite) “long distance translator” as one for which the distance between the point of signal origin and the point of re-transmission exceeds: (A) 60 miles (100 kilometers) for translators East of the Mississippi; (B) 120 miles (200 kilometers) for translators West of the Mississippi; OR (C) 240 miles (400 kilometers) for translators in Alaska.

### **13 Other Recommendations For Regulatory Action By The FCC**

Amherst also urges the FCC to take the following additional actions:

- (6) Suspension or revocation of the Commission's "interim authorization" of IBOC Digital Radio -- while the Commission conducts a *competitive comparison*, including comprehensive testing and evaluation, of IBOC Digital Radio in contrast to alternative technologies (including the new CAM-D technology for the AM Band, as developed by KAHN COMMUNICATIONS of New York ... Digital Radio Mondiale... Eureka-147 ... and classic Analog Radio)
- (7) Placement of a (low) numerical limit on the total number of translator stations a single institution can own -- as proposed in October 14, 2003 Written Comments (filed in Dockets 99-25 and RM-10803) by MEDIA ACCESS PROJECT, on behalf of THE PROMETHEUS RADIO PROJECT, FREE PRESS, THE FUTURE OF MUSIC COALITION, THE NATIONAL FEDERATION OF COMMUNITY BROADCASTERS, THE NATIONAL LAWYERS GUILD COMMITTEE ON DEMOCRATIC COMMUNICATIONS and THE OFFICE OF COMMUNICATIONS OF THE UNITED CHURCH OF CHRIST
- (8) An end to the current regulatory requirement that Low Power FM stations must protect the second adjacent channel of translator stations -- as proposed by REC NETWORKS of Arizona in October 6, 2003 Written Comments (filed in Docket 99-25)
- (9) Establishment of a new Low Power Radio *AM* Service, taking as a starting point for deliberations the Petition For Rulemaking that was filed recently by FRED BAUMGARTNER, P.B.E. of Colorado -- and later submitted to the Localism Task Force, through Written Comments (filed in Docket RM-10803) by Nickolaus Leggett of Virginia and Fred Baumgartner, on October 22, 2003

- (10) Reversal of the FCC's recent mass dismissal of 400 Low Power FM applications -- due to the application of adjacent channel spacing standards which may soon be repealed in response to MITRE Corporation's Report to the FCC
- (11) Expanded LPFM service to major metropolitan areas -- through initiation of the long overdue "filing window" for LP-10 stations
- (12) Expanded LPFM service for rural areas -- through establishment of LP-250 stations, with power levels of up to 250 watts and/or tower heights of up to 100 meters (in areas with low population density *only*)
- (13) Adjustment of the current "points formula" for awarding Low Power FM licenses to end the current bias against newcomers: specifically, by assigning significantly more weight to quality and diversity of proposed programming than to the sponsor's status as an "established community organization"
- (14) Adjustment of criteria for LPFM license eligibility -- to allow individuals, as well as organizations, to gain licenses
- (15) An end to the current "guess-a-frequency" procedure for LPFM applicants -- to be replaced by a "frequency pooling" approach which allows the best LPFM applicants to compete for licenses across an entire service area
- (16) Protection of Amateur Radio Service operators, Citizens Band users, shortwave listeners and broadcasters, radio astronomers, military communicators over the MARS system and others through decisive rejection of Broadband Over Powerlines (BPL) technology -- which is currently under consideration in FCC Docket 03-104

- (17) Pre-emption of antenna regulation by Homeowners' Associations (HOAs) and/or local government zoning authorities -- to the extent necessary to prevent HOAs and/or local governments from banning Amateur Radio equipment ... shortwave transmitters and receivers ... Citizens' Band equipment owned by members of Radio Emergency Assistance Communications Teams (REACT) ... and/or other radio gear which can be used by citizens for emergency communications
- (18) Full consideration of making additional frequencies available for *individual* broadcasters, as requested in the Petition For Notice Of Inquiry that was recently filed by the Minnesota-based CITIZENS BROADCAST BAND DISCUSSION GROUP (CBBDG)

#### **4 Actions Which The FCC Should Urge Congress To Take**

Amherst urges the FCC to urge Congress to take the following 4 actions:

- (19) As recommended by the MITRE Corporation, in its recently released Report to the FCC on alleged interference from LPFM stations, *and* as further recommended by THE AMHERST ALLIANCE (and many others) in numerous filings in FCC Docket 99-25, repeal of the third adjacent channel spacing requirement that Congress imposed upon LPFM stations in December of 2000
- (20) As a primary priority, amendment of the current statutory mandate for license auctions in the case of *all* commercial radio stations -- in order to exempt commercial radio stations with power levels of 250 watts or less and tower heights of 100 meters or less: a "revenue neutral" move that would create *the option* of future FCC approval for commercials on LPFM and/or LPAM stations
- (21) As a secondary priority, establishment of a similar statutory exemption from mandatory auctions in the case of small, full power commercial stations -- with power levels of 25,000 watts or less and tower heights of 100 meters or less

- (22) *If* the Commission is unwilling to take action, using its own discretionary authority, to ban the bans on emergency communications equipment by many HOAs and some local zoning authorities, Congressional action to adopt the protective legislation introduced by Representative Steven Israel (D-NY) -- preferably in an expanded form which protects shortwave users, and Citizens' Band users who belong to REACT, as well as Amateur Radio Service operators

*Prepared By:*

Don Schellhardt, Esquire  
President, THE AMHERST ALLIANCE  
P.O. Box 186  
Cheshire, Connecticut 06410  
203/757-1790  
"Backup": 203/756-7310  
[pioneerpath@hotmail.com](mailto:pioneerpath@hotmail.com)  
URL: [www.amherstalliance.org](http://www.amherstalliance.org)